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JL

PATENT  
Attorney Docket No. A-68752  
Attorney File No. 467084-38/RFT/RMK/NBC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  HAMMERMAN	Examiner: Anish Gupta
Serial No.: 09/222,460	Group Art Unit: 1653
Filing Date: December 29, 1998	<u>CERTIFICATE OF MAILING</u>
For: <b>COMPOSITION AND METHOD FOR IMPROVING FUNCTION OF EMBRYONIC KIDNEY TRANSPLANTS</b>	I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 on 4/14/03
	Signed <u>Jere Valles</u> Jere Valles

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APR 22 2003

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**RESPONSE**

Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is being submitted in response to the non-final Office Action mailed January 14, 2003. This response is submitted within the three month statutory period, making this a timely response. The Assistant Commissioner is hereby authorized to charge any required fees, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Our Docket A-68752/RFT/RMK/NBC).

**REMARKS**

Claims 1, 4-5, 7-9, 17, 20 and 22-25 are pending. A list of the pending claims is provided in the section Pending Claims 1, 4-5, 7-9, 17, 20 and 22-25," for the Examiner's convenience.

**Claim Rejection – Nonstatutory Double Patenting in view of Liu, et al.**

The Examiner maintains that claims 1 (and claims 4-5, 17, 20 and 25 which depend therefrom), 7 (and claims 17, 20 and 25 which depend therefrom) and 22 (and claims 8-9 and 23-25 which depend therefrom) of the present application are rejected under the judicially created doctrine of obvious-type